



Rep. Peter Breen

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LRB099 19522 RPS 47885 a

1 AMENDMENT TO HOUSE BILL 5684

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5684 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Local  
5 Government Wage Increase Transparency Act.

6 Section 5. Disclosure of certain wage increases made to  
7 employees under Article 7 of the Illinois Pension Code.

8 (a) This Section applies only to a participating employee  
9 under Article 7 of the Illinois Pension Code (IMRF) who began  
10 participation before January 1, 2011 and who is not subject to  
11 a collective bargaining agreement with respect to the  
12 employment upon which the participation is based.

13 (b) The definitions in Article 7 of the Illinois Pension  
14 Code also apply to this Section.

15 As used in this Section, "disclosable payment" means a  
16 payment, whether in the form of an increase in the rate of

1 earnings or a lump-sum payment, that:

2 (1) would be made by a participating employer to a  
3 participating employee after the employee has expressed to  
4 the employer his or her intent to retire or withdraw from  
5 service;

6 (2) would have the effect of increasing the employee's  
7 reportable monthly earnings from that employer by more than  
8 6% compared to the previous month; and

9 (3) would be made between 12 months and 90 days prior  
10 to the employee's expected termination of service.

11 However, "disclosable payment" does not include a refund of  
12 contributions or any payment required to be paid by State or  
13 federal law.

14 (c) A disclosable payment shall not be made or payable  
15 unless the governing body of that participating employer has  
16 first discussed the specific payment to be made at a meeting  
17 open to the public and posted and held in accordance with the  
18 requirements of the Open Meetings Act. At the meeting, the  
19 governing body shall, at a minimum, disclose (1) the identity  
20 of the employee, (2) the purpose and amount of the increase or  
21 payment, (3) the proposed retirement date, (4) the effect of  
22 the payment upon the expected retirement annuity of the  
23 employee, and (5) the effect of the payment upon the liability  
24 of the employer to the Article 7 Fund.

25 (d) The determination of whether the disclosable payment is  
26 permissible under this Section shall rest exclusively with the

1 employer.

2 (e) A participating employer may not make a disclosable  
3 payment to an employee in a manner inconsistent with this  
4 Section. This Section is a denial and limitation of home rule  
5 powers and functions under subsection (h) of Section 6 of  
6 Article VII of the Illinois Constitution.

7 Section 90. The Open Meetings Act is amended by changing  
8 Section 2 as follows:

9 (5 ILCS 120/2) (from Ch. 102, par. 42)

10 Sec. 2. Open meetings.

11 (a) Openness required. All meetings of public bodies shall  
12 be open to the public unless excepted in subsection (c) and  
13 closed in accordance with Section 2a.

14 (b) Construction of exceptions. The exceptions contained  
15 in subsection (c) are in derogation of the requirement that  
16 public bodies meet in the open, and therefore, the exceptions  
17 are to be strictly construed, extending only to subjects  
18 clearly within their scope. The exceptions authorize but do not  
19 require the holding of a closed meeting to discuss a subject  
20 included within an enumerated exception.

21 (c) Exceptions. A public body may hold closed meetings to  
22 consider the following subjects:

23 (1) The appointment, employment, compensation,  
24 discipline, performance, or dismissal of specific

1 employees of the public body or legal counsel for the  
2 public body, including hearing testimony on a complaint  
3 lodged against an employee of the public body or against  
4 legal counsel for the public body to determine its  
5 validity. However, a meeting to consider an increase in  
6 compensation to a specific employee of a public body that  
7 is subject to the Local Government Wage Increase  
8 Transparency Act may not be closed and shall be open to the  
9 public and posted and held in accordance with this Act.

10 (2) Collective negotiating matters between the public  
11 body and its employees or their representatives, or  
12 deliberations concerning salary schedules for one or more  
13 classes of employees.

14 (3) The selection of a person to fill a public office,  
15 as defined in this Act, including a vacancy in a public  
16 office, when the public body is given power to appoint  
17 under law or ordinance, or the discipline, performance or  
18 removal of the occupant of a public office, when the public  
19 body is given power to remove the occupant under law or  
20 ordinance.

21 (4) Evidence or testimony presented in open hearing, or  
22 in closed hearing where specifically authorized by law, to  
23 a quasi-adjudicative body, as defined in this Act, provided  
24 that the body prepares and makes available for public  
25 inspection a written decision setting forth its  
26 determinative reasoning.

1           (5) The purchase or lease of real property for the use  
2 of the public body, including meetings held for the purpose  
3 of discussing whether a particular parcel should be  
4 acquired.

5           (6) The setting of a price for sale or lease of  
6 property owned by the public body.

7           (7) The sale or purchase of securities, investments, or  
8 investment contracts. This exception shall not apply to the  
9 investment of assets or income of funds deposited into the  
10 Illinois Prepaid Tuition Trust Fund.

11           (8) Security procedures, school building safety and  
12 security, and the use of personnel and equipment to respond  
13 to an actual, a threatened, or a reasonably potential  
14 danger to the safety of employees, students, staff, the  
15 public, or public property.

16           (9) Student disciplinary cases.

17           (10) The placement of individual students in special  
18 education programs and other matters relating to  
19 individual students.

20           (11) Litigation, when an action against, affecting or  
21 on behalf of the particular public body has been filed and  
22 is pending before a court or administrative tribunal, or  
23 when the public body finds that an action is probable or  
24 imminent, in which case the basis for the finding shall be  
25 recorded and entered into the minutes of the closed  
26 meeting.

1           (12) The establishment of reserves or settlement of  
2           claims as provided in the Local Governmental and  
3           Governmental Employees Tort Immunity Act, if otherwise the  
4           disposition of a claim or potential claim might be  
5           prejudiced, or the review or discussion of claims, loss or  
6           risk management information, records, data, advice or  
7           communications from or with respect to any insurer of the  
8           public body or any intergovernmental risk management  
9           association or self insurance pool of which the public body  
10          is a member.

11          (13) Conciliation of complaints of discrimination in  
12          the sale or rental of housing, when closed meetings are  
13          authorized by the law or ordinance prescribing fair housing  
14          practices and creating a commission or administrative  
15          agency for their enforcement.

16          (14) Informant sources, the hiring or assignment of  
17          undercover personnel or equipment, or ongoing, prior or  
18          future criminal investigations, when discussed by a public  
19          body with criminal investigatory responsibilities.

20          (15) Professional ethics or performance when  
21          considered by an advisory body appointed to advise a  
22          licensing or regulatory agency on matters germane to the  
23          advisory body's field of competence.

24          (16) Self evaluation, practices and procedures or  
25          professional ethics, when meeting with a representative of  
26          a statewide association of which the public body is a

1 member.

2 (17) The recruitment, credentialing, discipline or  
3 formal peer review of physicians or other health care  
4 professionals for a hospital, or other institution  
5 providing medical care, that is operated by the public  
6 body.

7 (18) Deliberations for decisions of the Prisoner  
8 Review Board.

9 (19) Review or discussion of applications received  
10 under the Experimental Organ Transplantation Procedures  
11 Act.

12 (20) The classification and discussion of matters  
13 classified as confidential or continued confidential by  
14 the State Government Suggestion Award Board.

15 (21) Discussion of minutes of meetings lawfully closed  
16 under this Act, whether for purposes of approval by the  
17 body of the minutes or semi-annual review of the minutes as  
18 mandated by Section 2.06.

19 (22) Deliberations for decisions of the State  
20 Emergency Medical Services Disciplinary Review Board.

21 (23) The operation by a municipality of a municipal  
22 utility or the operation of a municipal power agency or  
23 municipal natural gas agency when the discussion involves  
24 (i) contracts relating to the purchase, sale, or delivery  
25 of electricity or natural gas or (ii) the results or  
26 conclusions of load forecast studies.

1           (24) Meetings of a residential health care facility  
2           resident sexual assault and death review team or the  
3           Executive Council under the Abuse Prevention Review Team  
4           Act.

5           (25) Meetings of an independent team of experts under  
6           Brian's Law.

7           (26) Meetings of a mortality review team appointed  
8           under the Department of Juvenile Justice Mortality Review  
9           Team Act.

10          (27) (Blank).

11          (28) Correspondence and records (i) that may not be  
12          disclosed under Section 11-9 of the Public Aid Code or (ii)  
13          that pertain to appeals under Section 11-8 of the Public  
14          Aid Code.

15          (29) Meetings between internal or external auditors  
16          and governmental audit committees, finance committees, and  
17          their equivalents, when the discussion involves internal  
18          control weaknesses, identification of potential fraud risk  
19          areas, known or suspected frauds, and fraud interviews  
20          conducted in accordance with generally accepted auditing  
21          standards of the United States of America.

22          (30) Those meetings or portions of meetings of a  
23          fatality review team or the Illinois Fatality Review Team  
24          Advisory Council during which a review of the death of an  
25          eligible adult in which abuse or neglect is suspected,  
26          alleged, or substantiated is conducted pursuant to Section

1 15 of the Adult Protective Services Act.

2 (31) Meetings and deliberations for decisions of the  
3 Concealed Carry Licensing Review Board under the Firearm  
4 Concealed Carry Act.

5 (32) Meetings between the Regional Transportation  
6 Authority Board and its Service Boards when the discussion  
7 involves review by the Regional Transportation Authority  
8 Board of employment contracts under Section 28d of the  
9 Metropolitan Transit Authority Act and Sections 3A.18 and  
10 3B.26 of the Regional Transportation Authority Act.

11 (33) Those meetings ~~meeting~~ or portions of meetings of  
12 the advisory committee and peer review subcommittee  
13 created under Section 320 of the Illinois Controlled  
14 Substances Act during which specific controlled substance  
15 prescriber, dispenser, or patient information is  
16 discussed.

17 (d) Definitions. For purposes of this Section:

18 "Employee" means a person employed by a public body whose  
19 relationship with the public body constitutes an  
20 employer-employee relationship under the usual common law  
21 rules, and who is not an independent contractor.

22 "Public office" means a position created by or under the  
23 Constitution or laws of this State, the occupant of which is  
24 charged with the exercise of some portion of the sovereign  
25 power of this State. The term "public office" shall include  
26 members of the public body, but it shall not include

1 organizational positions filled by members thereof, whether  
2 established by law or by a public body itself, that exist to  
3 assist the body in the conduct of its business.

4 "Quasi-adjudicative body" means an administrative body  
5 charged by law or ordinance with the responsibility to conduct  
6 hearings, receive evidence or testimony and make  
7 determinations based thereon, but does not include local  
8 electoral boards when such bodies are considering petition  
9 challenges.

10 (e) Final action. No final action may be taken at a closed  
11 meeting. Final action shall be preceded by a public recital of  
12 the nature of the matter being considered and other information  
13 that will inform the public of the business being conducted.

14 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,  
15 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;  
16 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;  
17 revised 10-14-15.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."